

SCOTT N. SCHOOLS, SC 9990
 United States Attorney
 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 Chief, Civil Division
 EDWARD A. OLSEN, CSBN 214150
 Assistant United States Attorney
 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-6915
 FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

MIKHAIL DMITRIEV,
 Plaintiff,
 v.

MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security;
 EMILIO T. GONZALEZ, Director of U.S.
 Citizenship and Immigration Services;
 ROBERT S. MUELLER, Director of the
 Federal Bureau of Investigation,
 Defendants.

No. C 06-7677 JW

**STIPULATION TO EXTEND DATE OF
 CASE MANAGEMENT CONFERENCE;
 AND [PROPOSED] ORDER**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to extend the date of the case management conference from June 4, 2007, to July 23, 2007, in light of the following:

(1) The plaintiff filed an I-485 application to adjust his status to lawful permanent resident with the United States Citizenship and Immigration Services (USCIS) on January 30, 2004. The application is pending.

(2) On December 14, 2006, the plaintiff filed this action seeking to compel the USCIS to adjudicate his I-485 application.

(3) The defendants filed a motion to dismiss the plaintiff's action; the plaintiff filed an STIPULATION TO EXTEND DATE OF CMC

1 opposition; and the defendants filed a reply.

2 (4) On March 29, 2007, this Court granted the parties' stipulation to extend the date of the
3 case management conference, previously scheduled for April 2, 2007, to April 9, 2007, in light of
4 the fact that the hearing on the defendants' motion to dismiss was scheduled for April 9, 2007.

5 (5) On March 30, 2007, this Court granted the parties' stipulation to re-schedule the case
6 management conference and the hearing date on the defendants' motion to dismiss from April 9,
7 2007, to April 30, 2007, in light of the fact that the plaintiff had recently obtained counsel.

8 (6) On May 4, 2007, this Court issued an order granting in part and denying in part
9 defendants' motion to dismiss, and scheduled a case management conference for June 4, 2007.

10 (7) In light of the fact that the defendants have taken steps to expedite the processing of the
11 plaintiff's name check, which must be completed by the FBI before USCIS can adjudicate the
12 plaintiff's I-485 application, the parties believe that there is a reasonable probability that this case
13 may soon be moot.

14 (8) Accordingly, in the interests of judicial economy, the parties respectfully ask this Court to
15 extend the case management conference, currently scheduled for June 4, 2007, for approximately
16 50 days, to July 23, 2007, at 10:00 a.m.

17 (9) If USCIS adjudicates the plaintiff's I-485 application before July 23, 2007, the parties will
18 file a stipulation to dismiss this action. If USCIS does not adjudicate the plaintiff's I-485
19 application before July 23, 2007, the parties will file a joint case management statement ten days
20 in advance of the July 23, 2007 case management conference.

1 Date: May 24, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS
3 United States Attorney

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5 /s/
6 EDWARD A. OLSEN
7 Assistant United States Attorney
8 Attorneys for Defendants

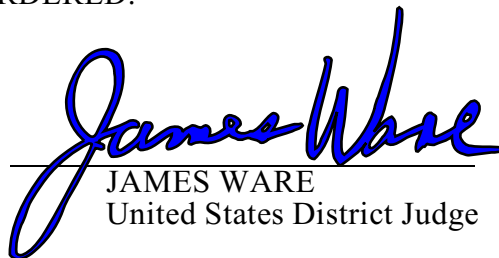
9 Date: May 24, 2007

10 /s/
11 JUSTIN X. WANG
12 Attorney for Plaintiff

13 **ORDER**

14 Pursuant to stipulation, IT IS SO ORDERED.

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17 Date: May 25 2007

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19 JAMES WARE
20 United States District Judge
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